

BOARD OF APPEALS CASE NO. 4877

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BEFORE THE

APPLICANTS: Randall & Amy Willis

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ZONING HEARING EXAMINER

**REQUEST: Variance to construct a
horse stable within the required setback
in an Agricultural District; 2707 Lakeland
Road, Fallston**

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 12/9/98 & 12/16/98

HEARING DATE: February 3, 1999

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Record: 12/11/98 & 12/18/98

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ZONING HEARING EXAMINER'S DECISION

The Applicants, Randall and Amy Willis, appeared before the Hearing Examiner requesting a variance to Section 267-26(D)(7) of the Harford County Code, to construct a stable for 2 or more horses within 50 feet of a non-residential lot line.

The subject parcel is located at 2707 Lakeland Road in the Third Election District. The parcel is identified as Parcel No. 261, in Grid 4-C, on Tax Map 55. The parcel contains 1.266 acres, more or less, all of which is zoned Agricultural.

Ms. Amy Willis appeared and testified that she is requesting a variance to construct a stable with dimensions of 18 feet by 32 feet to be used for 3 horses. The witness said that the subject parcel is unique because of its unusual shape and also because the property is divided into two separate tracts by a 150 foot Baltimore Gas & Electric Company right-of-way. The witness said she did not feel the variance would be substantially detrimental to adjacent properties or materially impair the purpose of the Code because none of her neighbors have appeared to testify in opposition to the request.

The Applicant said that she is proposing the construction of a stable 10 feet from the common property line with the Baltimore Gas & Electric Company and introduced a letter from BGE indicating they had no objection to location of the stable 10 feet from the BGE property line provided the Applicants complied with local zoning ordinances. Ms. Willis also testified that she has received Health Department approval for the request.

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The Staff Report of the Department of Planning and Zoning recommends conditional approval and provides:

“There appears to be unique circumstances pertaining to the subject property. Although the proposed stable will be 10 feet from the property line, the adjacent property is owned by Baltimore Gas and Electric and is not used for residential purposes.”

No Protestants appeared in opposition to the Applicants' request.

CONCLUSION:

The Applicant is requesting a variance to Section 267-26(D)(7), which provides:

“Private horse stables, provided that any stables, corrals, feeding or bedding areas for two (2) or more horses shall be located at least fifty (50) feet from any public road or non-residential lot line and one hundred (100) feet from any residential lot line. Pastures, when fenced, may extend to the lot line.”

The Applicant introduced evidence that the subject property is unique because of its unusual shape and due to the existence of a BGE easement 150 feet wide which divides the subject parcel. The Applicant also testified she did not feel the variance would be detrimental to adjacent properties or materially impair the purpose of the Code because none of her neighbors appeared and testified in opposition to locating the stable 10 feet from the common property line with BGE.

It is the finding of the Hearing Examiner that the subject parcel is unique for the reasons stated by the Applicant in her testimony and that approval of the variance will not be substantially detrimental to adjacent properties or materially impair the purpose of the Code.

Therefore, it is the recommendation of the Hearing Examiner that the requested variance to locate a stable 10 feet from the common property line with BGE be approved, subject to the condition that the Applicants obtain all necessary permits and inspections for the stable.

Date FEBRUARY 22, 1999

L. A. Hinderhofer
Zoning Hearing Examiner